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August 26, 2005

VIA E-FILING

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

Re: STB Docket No. MC-F-21008
East West Resort Transportation, LLC, et al. – Petition for Declaratory Order –
Motor Carrier Transportation of Passengers in Colorado

Dear Secretary Williams:

Enclosed for filing, by electronic submission, is the Colorado Public Utilities Commission's Fourth Unopposed Motion to Modify Procedural Schedule.

Service of this letter and the Unopposed Motion on Petitioner's counsel has been effected by electronic mail and by United States mail.

If you have any questions concerning this, please do not hesitate to contact me.

Sincerely,

FOR THE ATTORNEY GENERAL

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cc: Hon. David M. Konschnik (by Hand Delivery)
Edward D. Greenberg, Esq.
Fritz R. Kahn, Esq.
Thomas J. Burke, Esq.

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

STB Docket No. MC-F-21008

EAST WEST RESORT TRANSPORTATION, LLC,
AND TMS, LLC, d/b/a
COLORADO MOUNTAIN EXPRESS
-PETITION FOR DECLARATORY ORDER-
MOTOR CARRIER TRANSPORTATION OF PASSENGERS IN COLORADO

COLORADO PUBLIC UTILITIES COMMISSION'S
FOURTH UNOPPOSED MOTION TO MODIFY PROCEDURAL SCHEDULE

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Attorneys for The Public Utilities Commission of
the State of Colorado

Dated: August 26, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

STB Docket No. MC-F-21008

EAST WEST RESORT TRANSPORTATION, LLC.
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COLORADO PUBLIC UTILITIES COMMISSION'S
FOURTH UNOPPOSED MOTION TO MODIFY PROCEDURAL SCHEDULE

The Public Utilities Commission of the State of Colorado ("CPUC"), by and through the Colorado Attorney General, hereby submits this fourth unopposed motion to modify the procedural schedule with respect to the petition for declaratory order filed by East West Resort Transportation, LLC and TMS, LLC d/b/a Colorado Mountain Express ("CME"). CPUC makes this motion pursuant to 49 C.F.R. § 1110.9 and 49 C.F.R. § 1104.7(b). In support, CPUC states as follows.

1. By its Decision dated August 12, 2005, the Board granted CPUC's third unopposed motion for extension of time. In the August 12, 2005 decision, the Board established August 31, 2005 as the due date for CPUC's reply to CME's petition for

declaratory order. In that same decision, the Board established September 16, 2005 as the due date for CME's rebuttal statement.

2. CPUC and CME have successfully resolved the discovery issues discussed in CPUC's Third Motion to Modify Procedural Schedule. The final phase of the discovery workout reached between CPUC and CME concerned the extent to which CPUC employees would have access to CME documents that fall within the scope of the protective order that the Board entered in this matter. While reached to the mutual satisfaction of both parties, this resolution took somewhat longer than anticipated at the time CPUC filed its Third Motion to Modify Procedural Schedule.

3. In addition, CPUC's witness Dino Ioannides, an employee of the CPUC who may now review CME documents in accordance with the parties' agreement, has been unable to complete his investigation of the documents because of obligations to another matter. Generally, that matter is the final phase of several coordinated rulemaking proceedings to rewrite, reorganize and renumber of virtually all of the CPUC's procedural and substantive rules. Specifically, Mr. Ioannides is responsible for facilitating the rules rewrite in CPUC Docket No. 03R-528ALL, In the Matter of the Proposed Repeal and Reenactment of the Rules of Practice and Procedure, 4 Code of Colorado Regulations 723-1. Mr. Ioannides was not aware until August 23, 2005 of the extent to which the rulemaking matter would preoccupy his time up through CPUC's presently existing August 31, 2005 verified reply statement deadline. Mr. Ioannides now knows that the rulemaking matter will preoccupy his time throughout next week. Mr. Ioannides cannot delay commencement of his

work on the rulemaking proceedings because Colorado statutory provisions require either completion of the rule adoption process within a set time-period (in this instance September 9, 2005) or closure of the rulemaking docket. Further, as noted above, the timely conclusion of CPUC Docket No. 03R-528ALL is interrelated with the CPUC's ability to promulgate the repeal and reenactment of virtually all of its substantive and procedural rules.

4. To accommodate the constraints on Mr. Ioannides' workload and the internal deadlines associated with CPUC Docket No. 03R-528ALL, CPUC sought agreement from CME to modify the procedural schedule in this matter. Counsel for CPUC has conferred with Mr. Tom Burke and Mr. Fritz Kahn, counsel for CME, and is authorized to state that CME offers no objection to this motion.

5. Following conferral with counsel for CME, CPUC is authorized to propose the following revised filing deadlines in this matter:

September 9, 2005 – due date for CPUC's reply statement to CME's petition
for declaratory order

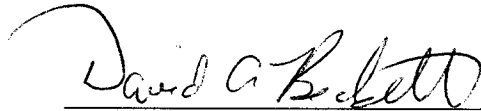
September 30, 2005 – due date for CME's rebuttal statement.

6. In making this motion to modify procedural schedule, CPUC seeks, in accordance with 49 C.F.R. § 1110.9, petition for waiver of the "10-day before the due date" requirement of 49 C.F.R. § 1104.7(b). As is demonstrated above, events occurring during the "10-day before due date" window have necessitated the filing of this motion. Moreover, CME is in agreement with the procedural schedule proposed herein.

WHEREFORE, CPUC respectfully requests that the Board grant this unopposed motion and modify the procedural schedule such that September 9, 2005 is the due date for CPUC's reply to CME's petition for declaratory order and September 30, 2005 is the due date for CME's rebuttal statement.

Dated this 26th day of August, 2005.

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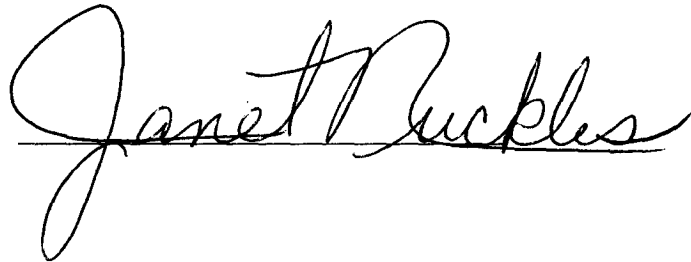
CERTIFICATE OF SERVICE

This is to certify that I have duly served the within COLORADO PUBLIC UTILITIES COMMISSION'S FOURTH UNOPPOSED MOTION TO MODIFY PROCEDURAL SCHEDULE upon all parties herein by electronic mail and depositing copies of same in the United States mail, first class postage prepaid, or as otherwise indicated, at Denver, Colorado, this 26th day of August, 2005, addressed as follows:

Thomas J. Burke Jr.
Jones & Keller
1625 Broadway, Suite 1600
Denver, CO 80202

Fritz R. Kahn
Fritz R. Kahn P.C.
1920 N Street NW 8TH Floor
Washington, DC 20036-1601

Edward D. Greenberg
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A handwritten signature in cursive script, reading "Janet Buckles", written over a horizontal line.